

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

RECEIVED

132 11 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

IN THE MATTER OF )

COMPUTER III REMAND PROCEEDINGS: )  
BELL OPERATING COMPANY SAFEGUARDS; )  
AND TIER 1 LOCAL EXCHANGE COMPANY )  
SAFEGUARDS )

CC DOCKET NO. 90-623

APPLICATION OF OPEN NETWORK )  
ARCHITECTURE AND NONDISCRIMINATION )  
SAFEGUARDS TO GTE CORPORATION )

CC DOCKET NO. 92-256

TO: THE COMMISSION

---

ADDITIONAL COMMENTS OF COMPUSERVE INCORPORATED  
ON RULES GOVERNING TELEPHONE COMPANIES' USE OF  
CUSTOMER PROPRIETARY NETWORK INFORMATION

---

COMPUSERVE INCORPORATED  
5000 ARLINGTON CENTRE BOULEVARD  
P.O. BOX 20212  
COLUMBUS, OHIO 43220

RANDOLPH J. MAY  
DAVID I. ADELMAN

SUTHERLAND, ASBILL & BRENNAN  
1275 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004

ITS ATTORNEYS

APRIL 11, 1994

No. of Copies rec'd 029  
List A B C D E

## **SUMMARY**

CompuServe Incorporated ("CompuServe") is one of the largest independent Enhanced Services Providers ("ESPs") in the country with more than 1.8 million subscribers and over 60,000 new subscribers being added each month. CompuServe's online information services include everything from educational and instructional databases and interactive fora to entertainment, home management, and financial services. CompuServe has actively participated in every Commission proceeding relating to Customer Proprietary Network Information ("CPNI") since the Commission first examined the issue. And since the Commission abandoned its previously symmetrical CPNI rule in the Computer III Remand proceeding, CompuServe has consistently argued that the current asymmetrical CPNI restrictions not only compromise customer privacy but also provide Regional Bell Operating Companies ("RBOCs") with an unfair competitive advantage over independent ESPs.

Under the Commission's present rule, an RBOC's enhanced services personnel may access the monopoly-derived data of all residential and small business customers, including a customer's circuit design and usage information, without obtaining written customer authorization. ESPs such as CompuServe that are not affiliated with RBOCs, must obtain the customer's prior written authorization before gaining access to a customer's CPNI. RBOCs must only meet this requirement for customers with more than 20 access lines.

In CompuServe's view, the current asymmetrical rule should be revised even absent consideration of the changes that are taking place in the telecommunications environment. Nevertheless, the Commission is certainly correct in acknowledging in its Public Notice soliciting comment that the changing telecommunications environment likely heightens the importance of customer privacy and competitive equity issues. Allowing RBOCs access to CPNI without customer consent violates fundamental expectations of privacy. Privacy concerns will be exacerbated to the extent the RBOCs are allowed to share CPNI on an unrestricted basis with their non-telephone company allies and partners because the information could be made available to so many more people than at present. Moreover, allowing RBOCs to access CPNI while denying independent ESPs access to CPNI harms the information services marketplace and gives ESPs affiliated with RBOCs a clear competitive advantage. Again, to the extent that the telephone companies make available, on a cost-free basis, valuable CPNI information to their non-telephone company partners, they obtain a significant competitive advantage over independent ESPs such as CompuServe who must expend substantial resources to develop this type of information for marketing purposes.

For purposes of protecting customer privacy and providing for competitive equity in the information services industry, no reason exists for the Commission to distinguish between RBOCs, GTE-affiliated companies and independent local exchange carriers. Thus, the Commission should modify its CPNI rules in order to require prior written authorization from a customer before allowing any local exchange company access to CPNI for use in marketing or providing any services other than basic telephone service.

## TABLE OF CONTENTS

I.	BACKGROUND . . . . .	2
II.	THE COMMISSION SHOULD MODIFY ITS CPNI RULES IN ORDER TO PROTECT CUSTOMER PRIVACY AND CREATE COMPETITIVE EQUITY FOR INDEPENDENT ESPs . . . . .	5
III.	THE CHANGING ENVIRONMENT THE IN TELECOMMUNICATIONS INDUSTRY RENDERS THE NEED TO REVISE THE CPNI RULES EVEN MORE URGENT . . . . .	9
IV.	CPNI RULES SHOULD APPLY TO ALL LECS AND NOT JUST BOCS AND GTE AFFILIATED COMPANIES . . . . .	11
V.	CONCLUSION . . . . .	13

DOCKET FILED 1994/12/15

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

IN THE MATTER OF	)	
	)	
COMPUTER III REMAND PROCEEDINGS:	)	CC DOCKET NO. 90-623
BELL OPERATING COMPANY SAFEGUARDS;	)	
AND TIER 1 LOCAL EXCHANGE COMPANY	)	
SAFEGUARDS	)	
APPLICATION OF OPEN NETWORK	)	CC DOCKET NO. 92-256
ARCHITECTURE AND NONDISCRIMINATION	)	
SAFEGUARDS TO GTE CORPORATION	)	

TO: THE COMMISSION

**ADDITIONAL COMMENTS OF COMPUERVE INCORPORATED  
ON RULES GOVERNING TELEPHONE COMPANIES' USE OF  
CUSTOMER PROPRIETARY NETWORK INFORMATION**

CompuServe Incorporated ("CompuServe"), by its attorneys,  
hereby submits its Additional Comments in response to the Public  
Notice issued by the Commission seeking additional comment  
regarding the Commission's rules governing telephone companies'  
use of customer proprietary network information ("CPNI").<sup>1/</sup>

---

<sup>1/</sup> In the Matter of Computer III Remand Proceedings: Bell  
Operating Company Safeguards; and Tier 1 Local Exchange Company  
Safeguards, CC Docket No. 90-623; Application of Open Network  
Architecture and Nondiscrimination Safeguards to GTE Corporation,  
CC Docket No. 92-256, Additional Comment Sought on Rules  
Governing Telephone Companies' Use of Customer Proprietary  
Network Information, FCC 94-63, released March 10, 1994.

## **I. BACKGROUND**

CompuServe is the nation's largest provider of online information services to personal computer owners, furnishing a wide variety of information services both to residential and business customers. CompuServe has more than 1.8 million residential, education, non-profit, and small business subscribers to its consumer information services. CompuServe is presently attracting over 60,000 new subscribers to its consumer service per month, and growth in subscription for consumer services has averaged approximately 25 percent a year for the past five years. CompuServe's online consumer information services include everything from educational and instructional to entertainment, home management and financial services. These services allow consumers to bank, shop, and make travel reservations from home; to access up-to-the minute news, weather, financial, and sports information; to utilize a large number of instructional, educational, medical, scientific and other reference databases; to participate interactively in special interest forums and electronic bulletin boards on almost every conceivable topic; and to send and receive electronic mail.

In response to the Ninth Circuit's remand of its Computer III orders in 1990,<sup>2/</sup> the FCC released a Notice of Proposed Rulemaking proposing to replace its structural separation requirements with revised nonstructural safeguards to govern the Regional Bell Operating Companies' ("RBOCs") provision of

---

<sup>2/</sup> California v. FCC, 905 F.2d 1217 (9th Cir. 1990).

enhanced services.<sup>3/</sup> The FCC also proposed to "modify" its CPNI rules.<sup>4/</sup> Comments were filed by numerous companies and organizations, including CompuServe.<sup>5/</sup>

On December 20, 1991, the FCC issued its Computer III Remand Order,<sup>6/</sup> wherein it adopted a revised CPNI rule requiring the RBOCs to secure prior authorization only before utilizing the CPNI of customers with more than 20 lines. Under the revised rule, the RBOCs were allowed unfettered access to the CPNI of customers with fewer than 20 lines. Petitions for reconsideration of the Computer III Remand Order were filed by several parties requesting that the FCC institute a prior authorization requirement for all ESPs (including RBOC affiliates) wishing to access CPNI.<sup>7/</sup> Oppositions to the petitions were submitted by six of the seven RBOCs.

The Commission's Computer III Remand Order is now on appeal to the Ninth Circuit. Because of the importance of the treatment

---

<sup>3/</sup> Computer III Remand Notice of Proposed Rulemaking And Order, 6 FCC Rcd 174 (1990).

<sup>4/</sup> Id. at ¶ 3.

<sup>5/</sup> CompuServe urged the Commission to adopt a prior authorization requirement for the use of CPNI by all Enhanced Service Providers ("ESPs"), including RBOC-affiliated ESPs. Comments of CompuServe Incorporated, CC Docket No. 90-623, filed March 8, 1991; Reply Comments of CompuServe Incorporated, CC Docket No. 90-623, filed April 8, 1991.

<sup>6/</sup> Computer III Remand Order, 6 FCC Rcd 7571 (1991).

<sup>7/</sup> Petition for Reconsideration of the Association of Telemessaging Services International, Inc., filed March 6, 1992; Petition for Partial Reconsideration of Alarm Industry Communications Committee, filed March 6, 1992; Petition for Reconsideration of Cox Enterprises, Inc., filed March 5, 1992.

of CPNI, throughout this process CompuServe has played an active role at the Commission in all of the proceedings where CPNI has been addressed. In the FCC's Computer II and Computer III proceedings, CompuServe took a leading role in proposing an equitable rule which would not allow ESPs affiliated with Local Exchange Carriers ("LECs") such as RBOCs to access CPNI without prior customer notification. In the Computer III Remand proceeding, and now in the Ninth Circuit Court appeal of the FCC's decision in that proceeding, CompuServe has continued to argue for a uniform prior consent requirement, so that RBOC-affiliated ESPs are not given an unfair advantage acquired solely as a result of their monopoly position in the local exchanges marketplace.<sup>8/</sup>

In the Public Notice pursuant to which these Additional Comments are filed, the Commission pointed to the "changing environment" of the current telecommunications industry caused by a "number of alliances, acquisitions, and mergers" between telephone and non-telephone company partners. CompuServe agrees that it is appropriate to reexamine the Commission's CPNI rules, not only because the environment indeed may be changing, but also because the Commission's current rule is skewed so fundamentally to favor the LECs over independent ESPs. Accordingly, CompuServe

---

<sup>8/</sup> Because of CompuServe's strong interest in this issue, CompuServe's General Counsel and Corporate Secretary, Kent S. Stuckey, was invited to testify at a hearing concerning CPNI legislation held on May 25, 1993 before the House Subcommittee on Telecommunications and Finance.

submits these Additional Comments concerning the Commission's CPNI rules.

**II. THE COMMISSION SHOULD MODIFY ITS CPNI RULES IN ORDER TO PROTECT CUSTOMER PRIVACY AND CREATE COMPETITIVE EQUITY FOR INDEPENDENT ESPs**

The Commission requests Additional Comments about "whether the existing CPNI safeguards will continue in the future to strike the best balance between customers' privacy interests, competitive equity, and efficiency."<sup>2/</sup> CPNI consists not only of information generated about the end-user customers of an ESP, but also information generated about the ESP itself acting as the LEC's customer, ordering services to use in providing its enhanced services. Thus, in addition to the privacy interests of end-user consumers of telephone service, an ESP's privacy interests in its CPNI are at issue inasmuch as it is also an end user of LEC provided services.

As the name implies, Customer Proprietary Network Information is "proprietary" to the customer, not the LEC. Nonetheless, without any controls on the LECs' activities, under the FCC's current rules, LECs are able to use CPNI to access sensitive and valuable information, not only about the identity of present and potential customers, but also information concerning an ESP's usage costs, service offerings, marketing plans, and specific market successes. Thus, unless a customer expressly denies access to CPNI, the LECs can utilize CPNI at

---

<sup>2/</sup> March 10, 1994 Public Notice, FCC 94-63 at p. 3.



will to assist their affiliated enhanced services enterprises in marketing and business planning.

The LECs still maintain a dominant position in the operation of the local exchange network which serves as the "tollgate" through which all users of the local exchange must pass. Indeed, today CompuServe remains virtually totally dependent upon the LECs for the local exchange lines which it uses to distribute its services to its subscribers. It is by virtue of this role as a monopoly supplier that the LECs accumulate the CPNI data generated by the use of their regulated telephone services by all of the LEC customers, including both independent ESPs and the customers of independent ESPs.

As a result of its unique monopoly position, a LEC knows the number of lines of its customers, the configuration of the lines, the amount of usage carried on the lines, calling patterns, and the like. For example, because the LEC knows the telephone number assigned to each of an independent ESP's local nodes (or switches), it can discern much competitively sensitive information. The LEC can determine which of its subscribers have dialed the local telephone number to reach an independent information provider's node, and from this information compile a complete list of the independent ESP's customers in the area. Using this list of the ESP's customers compiled by the LEC network services division, the LEC-affiliated information services unit can focus its marketing efforts on the ESP's customers, without having to go through the same marketing

efforts and incur the same costs that the independent ESP originally had to expend to market its services. Of course, not only can the LEC replicate the customer lists of the leading independent information providers in the LEC service area, it can easily discern which customers are heavy users of ESP services and which are not.

In addition, by knowing the number of nodes employed by ESPs in certain areas, the LEC also can ascertain the configuration of their networks and learn from their experience the most efficient ways to configure its own network to target the existing subscriber bases on these information providers. Additionally, the LECs can discern the marketing strategies and expansion plans of the independent providers. The LEC also knows, of course, much about the ESPs' costs of doing business. Such CPNI information can be extremely valuable to the LEC information services affiliate when passed along on a cost-free basis to the LEC enhanced services affiliate by the LEC network services organization.<sup>10/</sup>

---

<sup>10/</sup> Aside from the serious competitive concerns raised by the use of CPNI by LEC-affiliated ESPs, CPNI also can be an important tool for independent ESPs because it allows them to use detailed, accurate, and timely data to target potential customers, market enhanced services, and conduct strategic market planning. In the absence of regulatory authority to utilize its customers' CPNI without prior written authorization, independent ESPs rely on alternative sources, such as outside marketing firms or internal customer records. Many independent ESPs such as CompuServe have expended considerable effort and financial resources to develop and improve their consumer online information services, including defining the information services market and identifying potential subscribers. Further resources are required to convert this research data into useful marketing information. Unlike the  
(continued...)

Although the FCC's CPNI rules presume that residential customers automatically consent to the disclosure of their CPNI to an RBOC's unregulated affiliated personnel, there is no basis for concluding that customers desire such disclosure. In fact, residential consumers are likely unaware of the extent to which a LEC possesses information concerning all their various uses of the local telephone network and then uses that information to try to sell them a various unregulated services. The importance of this fact is heightened to the extent that the LECs increasingly are entering into alliances with nonregulated "affiliated" enterprises. It is extremely unlikely that customers anticipate that their CPNI will be provided to these new non-telephone company partners of the LECs. As the LEC non-telephone company affiliations become more dispersed, it is more important than ever that the Commission revise its CPNI rule to safeguard the customers' privacy expectations.

In addition, the consistent LEC claims that pre-existing customer relationships justify the lack of a uniform prior authorization requirement are without merit.<sup>11/</sup> Basic service ratepayers are not LEC "customers" by choice. As indicated

---

<sup>10/</sup> (...continued)

LECs, CompuServe today must continue to generate mailing lists internally, purchase such lists from outside sources, or expend further resources in an effort to continue to identify prospective customers.

<sup>11/</sup> See e.g. Comments of the following parties in the Computer III Remand Proceeding, CC Docket No. 90-623: Ameritech Comments at 26; BellSouth Reply Comments at 41; NYNEX Comments at 57-60, Appendices A & B; Pacific Comments at 54-55; SWBT Comments at 51; U.S. West Comments at 70-71.

above, these captive "customers" do not expect the LECs to use their monopoly status as providers of basic regulated telephone service to try to sell them unregulated enhanced services. Under the current CPNI rules, customers must take affirmative action in order to protect their proprietary information. Because of the personal nature of CPNI and the increasing entanglement of regulated telephone companies with unregulated non-telephone companies through various types of joint ventures, and other business arrangements, the burden should be switched to the LEC with customers enjoying a presumption of privacy.

**III. THE CHANGING ENVIRONMENT THE IN TELECOMMUNICATIONS  
INDUSTRY RENDERS THE NEED TO REVISE THE CPNI RULES  
EVEN MORE URGENT**

---

The Commission's current CPNI rules allow the RBOCs' enhanced services personnel access to monopoly-derived data of all residential and small business customers, including a customer's circuit design and service usage record, without requiring the affirmative written customer authorization required for unaffiliated ESPs to access the same information. In the past, the Commission has explained this inequality by stating that a prior authorization requirement for the RBOCs "is unnecessary to protect consumer interests and promote competition."<sup>12/</sup> As is evident from the discussion above, CompuServe does not agree with this explanation.

---

<sup>12/</sup> Computer III, Second Further Reconsideration, 4 FCC Rcd 5927, 5929 (1989).

While it is true, as the Public Notice posits, that the telecommunications environment is changing as the local telephone companies consider (and sometimes reconsider) potential mergers and alliances with non-telephone company partners, these developments only make it more imperative than ever that the Commission promptly remedy the competitive inequity of the current CPNI rule. The LEC/non-LEC partner combinations will have even more resources than heretofore to compete against independent ESPs such as CompuServe in the information services marketplace.

One of the principal justifications for the current asymmetrical rule is that it will promote the more widespread usage of information services by allowing the LECs to take advantage of the "efficiencies" created by LECs sharing CPNI information with their affiliates. Of course, the corollary of recognizing such claimed "efficiencies" is to place independent ESPs at an explicit competitive disadvantage. Whatever the merits of the FCC's tilt towards the LECs in devising the current rule - and CompuServe believes there is no merit - such tilt makes no sense now as the new combinations are being formed, in part, to give the LECs the marketing expertise they supposedly have lacked thus far. There can be no doubt about the ability of the LECs, with their added resources as they enter new alliances, to become strong competitors without the need to resort to anticompetitive advantages. As long as the LECs continue to possess such dominant market power in the local exchange

marketplace (and their strategic alliances haven't diminished their market power in the local exchange), it is unsound public policy to disadvantage independent ESPs whose continued vitality will be crucial to maintaining a competitive marketplace for advanced information services.<sup>13/</sup>

**IV. CPNI RULES SHOULD APPLY TO ALL LECs AND NOT JUST BOCs AND GTE AFFILIATED COMPANIES**

---

The potential for anticompetitive practices caused by favored special access to CPNI do not result from status as a BOC or GTE company, but rather from status as a monopoly provider of local exchange telephone service. Thus, for purposes of treatment of CPNI, there is no reason to distinguish between the BOCs and GTE companies and any other monopoly provider of local telephone service. Like the BOCs and GTE companies, any LEC's enhanced services personnel have access to residential and small business CPNI without prior customer authorization, and thus enjoys the same valuable marketing advantage over its enhanced service competitors. For example, like a BOC, an independent

---

<sup>13/</sup> The leading telecommunications bills pending in Congress would reverse the Commission's existing CPNI policy in recognition of the competitive inequity inherent in the current policy. Senate Bill 1822 which is currently before the Senate Committee on Commerce, Science, and Transportation includes a provision which would require BOCs to make available CPNI, for any size customer, to nonaffiliated ESPs where the BOCs affiliated information services provider has access to such information. See S. 1822 Title VI, Sec. 237(a)(1). Similarly, House Bill 3626 would make it illegal for BOCs to provide an affiliate information unless it makes such information available to unaffiliated entities on the "same terms and conditions." See Title II, H.R. 3626, Sec. 231(c)(1).

LEC's marketing personnel can use CPNI to contact any of the LEC's ratepayers to sell enhanced services.

In contrast, an ESP such as CompuServe, lacking access to CPNI, must attempt to identify would-be customers who are served by such a LEC, send them forms requesting written authorization to access their CPNI, receive the authorization, and then contact the LEC to acquire the information.<sup>14/</sup> Under the current rules, any LEC is able to market its services on a far more timely and cost-efficient basis, for reasons unrelated to relevant competitive factors such as better service or price.

In addition, like a BOC and GTE affiliate, all LECs also can use CPNI to access sensitive and valuable information, not only about present and potential customers, but also about an ESP's customer bases, costs, service offerings, marketing plans, and specific market successes. Thus, unless a customer expressly denies access to CPNI, any LEC can utilize CPNI at will to assist their enhanced services enterprises. With this in mind, it is clear that for purposes of safeguarding against anticompetitive practices relating to CPNI, there should be no distinction between BOCs, GTE companies and independent LECs because all have acquired CPNI by virtue of their monopoly position in the local exchange market. The fact that many of the independent LECs may operate in areas that are more rural than the BOCs and GTE is not a sufficient reason to avoid application of even-handed CPNI

---

<sup>14/</sup> This assumes, of course, that customer inaction for a variety of reasons does not prevent the ESP from acquiring a written authorization.

requirements. As the Commission stated in its recent order extending CPNI requirements to GTE, GTE's contentions "concerning the dispersed and rural nature of its service area do not persuade us that there are special costs applicable to GTE that warrant giving GTE customers less protection than BOC customers."<sup>15/</sup> That same rationale applies to independent LECs.

#### V. CONCLUSION

In light of the changes in the relationships between companies in the telecommunications industry, and the fundamental unfairness of the FCC's existing policy, the FCC should revise its CPNI rule. Prior written customer authorization should be necessary for any ESP access to CPNI, whether independent or RBOC-affiliated. This would both help negate the competitive advantage LECs enjoy as the recipient of this information by virtue of their monopoly position and also protect the privacy interests of customers who may be unaware or uninformed as to the existence, extent, or use of their CPNI. If anything, uniform application of a prior authorization rule is even more necessary in a changing environment where LEC alliances with non-telephone

---

<sup>15/</sup> Application of Open Network Architecture and Nondiscrimination Safeguards to GTE Corporation, CC Docket No. 92-256, FCC 94-58, ¶45, released April 4, 1994.

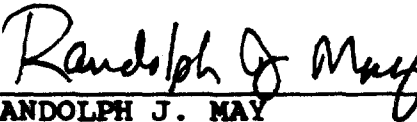


concerns create greater CPNI unfairness as a result of the  
enlarged resources of the combined enterprise.

Respectfully Submitted

COMPUSERVE INCORPORATED  
500 ARLINGTON CENTRE BOULEVARD  
P.O. BOX 20212  
COLUMBUS, OHIO 43220

BY:

  
\_\_\_\_\_  
RANDOLPH J. MAY  
DAVID I. ADELMAN

SUTHERLAND, ASBILL & BRENNAN  
1275 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004-2404  
(202) 383-0100

April 11, 1994

CERTIFICATE OF SERVICE

I, Jeanne Lineberry, do hereby certify that true and correct copies of the foregoing document, "Additional Comments of CompuServe Incorporated on Rules Governing Telephone Companies' Use of Customer Proprietary Network Information," filed in the matter of Computer III Remand Proceedings: Bell Operating Company Safeguards; And Tier 1 Local Exchange Company Safeguards, CC Docket No. 90-623; Application of Open Network Architecture and Nondiscrimination Safeguards to GTE Corporation, CC Docket No. 92-256; on behalf of CompuServe Incorporated, were served by First Class United States Mail, postage prepaid, or hand delivered, this 11th of April 1994 on the following:

- \* Chairman Reed Hundt  
Federal Communications Commission  
1919 M Street, N.W., Room 814  
Washington, D.C. 20554
- \* Commissioner James S. Quello  
Federal Communications Commission  
1919 M Street N.W., Room 802  
Washington, D.C. 20554
- \* Commissioner Andrew C. Barrett  
Federal Communications Commission  
1919 M Street, N.W., Room 844  
Washington, D.C. 20554
- \* Richard Metzger, Chief  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 500  
Washington, D.C. 20554
- \* James D. Schlichting, Esquire  
Chief, Office of Policy and  
Program Planning  
Common Carrier Bureau  
Federal Communication Commission  
1919 M Street, N.W., Room 544  
Washington, D. C. 20554

- \* Gerry Vaughan, Deputy Bureau Chief  
Office of Policy & Program Planning  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 500  
Washington, D.C. 20554
- \* Downtown Copy Center  
c/o Federal Communications Commission  
1919 M Street, N.W., Room 246  
Washington, D.C. 20554

William B. Barfield, Esquire  
Thomas T. Rawls II, Esquire  
A. Kirven Gilbert III, Esquire  
BellSouth Corporation  
South Central Bell Telephone Company  
Southern Bell Telephone and  
Telegraph Company  
1155 Peachtree Street, N.W.  
Suite 1800  
Atlanta, Georgia 30367-6000

Saul Fisher, Esquire  
Mary McDermott, Esquire  
Campbell L. Ayling, Esquire  
Shelley E. Harms, Esquire  
New York Telephone Company and  
New England Telephone and Telegraph  
Company  
120 Bloomingdale Road  
White Plains, New York 10605

James R. Young, Esquire  
Lawrence W. Katz, Esquire  
Bell Atlantic Telephone Companies  
1710 H Street, N.W.  
Washington, D.C. 20006

Floyd S. Keene, Esquire  
Brian R. Gilomen, Esquire  
Michael S. Pabian, Esquire  
Ameritech Operating Companies  
30 S. Wacker Drive, Floor 39  
Chicago, Illinois 60606

William J. Free, Esquire  
Richard C. Hartgrove, Esquire  
Michael J. Zpevak, Esquire  
Southwestern Bell Telephone Company  
1010 Pine Street, Room 2114  
St. Louis, Missouri 63101

Laura D. Ford, Esquire  
Lawrence E. Sarjeant, Esquire  
Robert b. McKenna, Esquire  
Kathryn Marie Krause, Esquire  
US West Communications, Inc.  
1020 - 19th Street, N.W.  
Suite 700  
Washington, D.C. 20036

Thomas E. McManus, Esquire  
Program on Information Resource Policy  
Harvard University  
200 Aiken  
Cambridge, Massachusetts 02138

F. Sherwood Lewis, Esquire  
F. Sherwood Lewis, P.C.  
1776 K Street, N.W.  
Suite 700  
Washington, D.C. 20006  
Counsel for Integrated Communications  
Systems, Inc.

Paul E. Nolting, Esquire  
Unisys Corporation  
P.O. Box 500/MS B312  
Township Line and Union Meeting Roads  
Blue Bell, Pennsylvania 19424

John F. Dodd, Esquire  
Brad I. Pearson, Esquire  
Smith, Gill, Fisher & Butts  
One Kansas City Place  
1200 Main Street, 35th Floor  
Kansas City, Missouri 64105-2107  
Counsel for Independent Telecommunications  
Network, Inc.

James U. Troup, Esquire  
Arter & Hadden  
1919 Pennsylvania Avenue, N.W.  
Suite 400  
Washington, D.C. 20006  
Counsel for Iowa Network Services, Inc.

Douglas E. Neel, Esquire  
Vice President, Regulatory Affairs  
MessagePhone, Inc.  
5910 N. Central Expressway  
Suite 1575  
Dallas, Texas 75206

Herbert E. Marks, Esquire  
James L. Casserly, Esquire  
Amy O. Scott, Esquire  
Squire, Sanders & Dempsey  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 407  
Washington, D.C. 20044  
Counsel for Independent Data Communications  
Manufacturers Association, Inc.

Benjamin H. Dickens, Jr., Esquire  
Gerard J. Duffy, Esquire  
Blooston, Mordkofsky, Jackson & Dickens  
2120 L Street, N.W., Suite 300  
Washington, D.C. 20037  
Counsel for The Alarm Industry  
Communications Committee

R. Michael Senkowski, Esquire  
Jeffrey S. Linder, Esquire  
Todd S. Stansbury, Esquire  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
Counsel for Tele-Communications Association

Philip L. Verveer, Esquire  
Sue D. Blumenfeld, Esquire  
John L. McGrew, Esquire  
Willkie, Farr & Gallagher  
Three Lafayette Centre  
1155 - 21st Street, N.W.  
Suite 600  
Washington, D.C. 20036  
Counsel for The Dun & Bradstreet  
Corporation

Martin T. McCue, Esquire  
Linda Kent, Esquire  
United States Telephone Association  
900 - 19th Street, N.W., Suite 800  
Washington, D.C. 20006-2105

Richard McKenna, W11L15  
GTE Service Corporation  
P.O. Box 152092  
Irving, Texas 75015-20921

Daniel L. Bart, Esquire  
GTE Service Corporation  
1850 M Street, N.W., Suite 1200  
Washington, D.C. 20036

Francine J. Berry, Esquire  
David P. Condit, Esquire  
Edward A. Ryan, Esquire  
American Telephone and Telegraph Company  
295 North Maple Avenue  
Room 3244J1  
Basking Ridge, New Jersey 07920

Leon M. Kestenbaum, Esquire  
Norina T. Moy, Esquire  
US Sprint Communications Company  
Limited Partnership  
1850 M Street, N.W., Suite 1110  
Washington, D.C. 20036

Richard E. Wiley, Esquire  
Michael Yourshaw, Esquire  
Katherine A. King, Esquire  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
Counsel for American Newspaper Publishers  
Association

Claudia M. James, Esquire  
Brigette M. Rouson, Esquire  
American Newspaper Publishers Association  
Dulles Airport  
P.O. Box 17407  
Washington, D.C. 20004

Robert Brinkmann, Esquire  
The National Newspaper Association  
1627 K Street, N.W., Suite 400  
Washington, D.C. 20006

R. Michael Senkowski, Esquire  
Jeffrey S. Linder, Esquire  
John C. Hollar, Esquire  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
Counsel for Association of Telemessaging  
Services International, Inc.

Lynn S. Jordon, Esquire  
Lohf, Shaiman & Ross  
900 Cherry Tower  
950 South Cherry Street  
Denver, Colorado 80222  
Counsel for Stroh Ranch Communications  
Limited Partnership

Frank W. Krogh, Esquire  
Donald J. Elardo, Esquire  
MCI Telecommunications Corporation  
1133 - 19th Street, N.W.  
Washington, D.C. 20036

J. Roger Wollenberg, Esquire  
W. Scott Blackmer, Esquire  
Jonathan Jacob Nadler, Esquire  
Wilmer, Cutler & Pickering  
2445 M Street, N.W.  
Washington, D.C. 20037  
Counsel for International Business  
Machines Corporation

Timothy B. Hackman, Esquire  
International Business Machines  
Corporation  
2000 Purchase Street  
Purchase, New York 10577

Paul Rodgers, Esquire  
Charles D. Gray, Esquire  
James Bradford Ramsay, Esquire  
National Association of Regulatory  
Utility Commissioners  
1102 C Building  
P.O. Box 684  
Washington, D.C. 20044

Penny Rubin, Esquire  
State of New York  
Department of Public Service  
Three Empire Plaza  
Albany, New York 12223

Don L. Keskey, Esquire  
Henry J. Boynton, Esquire  
Assistant Attorneys General  
Michigan Public Service Commission  
1000 Long Boulevard, Suite 11  
Lansing, Michigan 48911

Susan D. Simms, Esquire  
Cheryl Walker Davis, Esquire  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17120

Richard C. Bellak, Esquire  
Associate General Counsel  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0862

John P. Kelliher, Esquire  
Special Assistant Attorney General  
Illinois Commerce Commission  
180 North LaSalle Street  
Suite 810  
Chicago, Illinois 60601

Howard C. Davenport, Esquire  
Peter G. Wolfe, Esquire  
Lisa C. Wilson, Esquire  
Public Service Commission of the  
District of Columbia  
450 Fifth Street, N.W.  
Washington, D.C. 20001

Irwin A. Popowsky, Esquire  
Consumer Advocate  
Philip F. McClelland, Esquire  
Assistant Consumer Advocate  
Office of Consumer Advocate  
State of Pennsylvania  
1425 Strawberry Square  
Harrisburg, Pennsylvania 17120

John K. Rose, Esquire  
William D. Baskett III, Esquire  
Thomas E. Taylor, Esquire  
Frost & Jacobs  
2500 Central Trust Center  
201 East Fifth Street  
Cincinnati, Ohio 45202  
Counsel for Cincinnati Bell Telephone  
Company

E. William Kobernusz, Esquire  
Vice President - Regulatory  
The Southern New England Telephone Company  
227 Church Street  
New Haven, Connecticut 06510-1806

David Cosson, Esquire  
L. Marie Giollory, Esquire  
National Telephone Cooperative Association  
2626 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037



Albert H. Kramer, Esquire  
Robert F. Aldrich, Esquire  
Keck, Mahin, Cate  
1201 New York Avenue, N.W.  
Penthouse Suite  
Washington, D.C. 20005  
Counsel for the American Public  
Communications Council

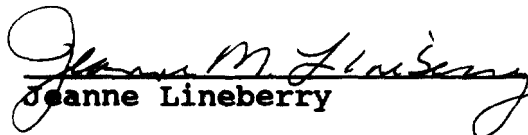
Jeffrey L. Sheldon, Esquire  
Associate General Counsel  
Utilities Telecommunications Council  
1620 Eye Street, N.W.  
Suite 515  
Washington, D.C. 20006

Wayne V. Black, Esquire  
C. Douglas Jarrett, Esquire  
Brian T. Ashby, Esquire  
Keller and Heckman  
1150 - 17th Street, N.W.  
Suite 1000  
Washington, D.C. 20036  
Counsel for The American Petroleum  
Institute

Robert C. Mackichan, Jr., Esquire  
Vincent L. Crivella, Esquire  
Michael J. Ettner, Esquire  
General Services Administration  
18th & F Streets, N.W., Room 4002  
Washington, D.C. 20405

Benjamin A. McKnight  
Chairman, AICPA Public Utilities Committee  
1455 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Sharon L. Nelson, Esquire  
Richard D. Casad, Esquire  
A. J. "Bud" Pardini, Esquire  
Washington Utilities and Transportation  
Commission  
P.O. Box 11618  
Spokane, Washington 99211

  
Jeanne Lineberry

\* Hand Delivered